DAE/2637

PTO/SB/61 (10-05)
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional) YOR920000192

First Named Inventor: ALAN GENE GARA
Art Unit: 2637
Application Number: 09/789,038
Examiner: GHULAMALI
Filed: FEBRUARY 8, 2001
Title: BINARY DATA TRANSMISSION ON A SINGLE TRANSMISSION CHANNEL

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United Sates Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.
NOTE: A grantable petition requires the following items:
(1) Petition fee.
(2) Reply and/or issue fee.
(3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
(4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☐ Small entity – fee $_____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity – fee $ 500.00 (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of AMENDMENT (identify the type of reply):

☒ has been filed previously on MAY 27, 2005.

☐ is enclosed herewith.

B The issue fee of $ _____

☐ has been filed previously on _____.

☐ is enclosed herewith.

PTO/SB/61 (10-05)
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Thomas A. Beck — Signature
APRIL 12, 2006 — Date
THOMAS A. BECK — Typed or printed name
20,816 — Registration Number, if applicable
26 ROCKLEDGE LANE — Address
NEW MILFORD CT 06776 — Address
860 354 0892 — Telephone Number

Enclosure
☒ Fee Payment
☒ Reply
☐ Terminal Disclaimer Form
☒ Additional sheets containing statements establishing unavoidable delay
☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ Date
_____ Signature
_____ Typed or printed name of person signing certificate

PTO/SB/61 (10-05)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Thomas A Beck — Signature

April 12, 2006 — Date

THOMAS A. BECK — Typed or printed name

29,816 — Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

SEE ATTACHED DECLARATION

(Please attach additional sheets if additional space is needed.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Alan Gene Gara
Serial Number	:	09/789,038
Filing Date	:	February 8, 2001
Examiner	:	Qutbudden Ghulamali
Group Art Unit	:	2637
For	:	BINARY DATA TRANSMISSION ON A SINGLE TRANSMISSION CHANNEL

TO: The Honorable Commissioner of Patents
and Trademarks
Post Office Box 1450
Alexandria, VA 22313-1450

**RENEWED PETITION UNDER 37 C.F.R. §1.181 AND/OR
PETITION TO REVIVE AN ABANDONED APPLICATION UNDER 37 C.F.R §1.137(a)**

The undersigned Declarant, as Attorney of Record, submits this Declaration supporting a supplementary petition to request that a holding of Abandonment of the above-entitled application be withdrawn. This Declaration in support of a Petition to Revive an Abandoned Application under 37 C.F.R. §1.137 is requested to also be treated as a request to withdraw a holding of abandonment. This Petition is submitted despite the fact that there has been no specific Notice of Abandonment sent to Applicant by the United States Patent and Trademark Office ("USPTO") and in response to a Decision ("Decision") dated February 13, 2006 which was rendered based upon a Petition ("Petition") filed by Applicant on September 2, 2005. The Decision dismissed the Petition.

Declarant, Thomas A. Beck, declares and states:

1. That he is the Attorney of Record in this application and has full knowledge of the facts in this case as they relate to the prosecution thereof.

2. That an Official Action in this case dated July 30, 2004, was sent by the Examiner to Applicant. The Official Action required minor changes to Figure 2 of the drawings, rejected some claims and allowed claims 5 and 13 subject to inclusion of the base claim and any intervening claims therein.

3. That as is the practice in Declarant's office, he entered his docket number and Assignee IBM docket number and the Serial Number of the application on the "At a Glance" calendar date in the space designated "October 30, 2004" which is three months from the date that the Official Action was issued. This was a reminder when the specific day in the month of October arrived, that the response was due. A copy of the pertinent portion of the calendar showing the reminder entry is attached here as Exhibit A.

4. That as is the practice in Declarant's office, he entered his docket number and Assignee IBM docket number and the Serial Number of the application on the "At a Glance" calendar date in the space designated "September 30, 2004" which is two months from the date that the Official Action was issued. This was a reminder that a response to the Official Action dated July 30, 2004 was due in one month on October 30, 2004. A copy of the pertinent portion of the calendar showing the reminder entry is attached here as Exhibit B.

5. That Declarant prepared an amendment in compliance with what the Examiner had suggested in the Official Action with the expectation that Claims 5 and 13 would be issued in amended form.

6. That Declarant filed the aforementioned amendment responding to the Official Action on October 28, 2004 by telefax, sent to (703) 872-9306 which at the time was the correct fax number for filing submissions with the USPTO.

7. That a copy of the Amendment so transmitted on October 28, 2004 is enclosed as Appendix C; and that an enlarged segment of the page containing the Certificate of Mailing (Transmission) is enclosed as Appendix D.

8. That immediately after Appendix C (and inherently, Appendix D) was filed, Applicant's Attorney did not receive an auto-reply facsimile transmission confirmation of receipt form.

9. That at the time (late afternoon), Declarant transmitted the response comprising Exhibit C, (Late afternoon), he assumed that the receipt was not transmitted immediately by return fax because there was a backlog of receipts to be sent out from the automatic return system in the USPTO. He assumed that it would be faxed to him later in the evening and he left the Office at the end of the regular work day expecting the receipt would be awaiting him in the morning.

10. That Declarant obtained corrected drawings and filed same using the U.S. Postal Service on October 29, 2004.

11.That in May of 2005, as part of a routine status checkup of cases within his docket, Declarant noted that there was no communication received from the USPTO with respect to this case. Declarant called the Examiner in charge of this application to inquired why no further communication had been received, and the Examiner advised Declarant that no response (i.e., Appendix C) amending the claims had been received.

12. That the Examiner advised Declarant that the USPTO had received the amended drawings. Upon receiving that information, Applicant's Attorney submitted to the Examiner another copy of the amendment that had been transmitted on October 28, 2004. This later copy of Appendix C was telefaxed on May 27, 2005.

13. On August 9, 2005 Applicant received an Official Action in which the Examiner did not declare or hold that the application was abandoned, but rather stated that *"...The Application will become abandoned unless applicant obtains an extension of the period for reply set in the above noted Official Action"...*

14. That upon receipt of the August 9, 2005 Official Action, Applicant's Attorney immediately called the Examiner in charge of the case to again discuss the situation.

15. That after several conversations with the Examiner, Applicant's Attorney consulted with Mr. Douglas Wood of the USPTO who advised that a petition should be made in the form of a Petition to Withdraw a Holding of Abandonment as the case was abandoned as a matter of law, even though no specific document has been issued that specifically states that the case is held to be abandoned. By using such a title designation, the Examiner could then consider the case and act promptly on the request, thus keeping it within the Group.

16. That Declarant requested that the holding of "Abandonment" of this application be withdrawn since Applicant did submit Appendix C amendment response timely, i.e. prior to October 30, 2004. Appendix D supports this assertion.

17. That pursuant to 37 C.F.R. §1.8(b)(3) Declarant states unequivocally that he filed the response with the USPTO by fax on the date as stated in Appendix C and thus he attests from personal knowledge as to the timely transmission of the correspondence (i.e., the Amendment).

18. That as anecdotal evidence in this matter, Applicant's Attorney declares that on numerous occasions over the period of time from October 2004 to July 2005 he had telefaxed papers to the USPTO to both the new fax number and the old one, and he did not receive a confirmation of the receipt of the transmission of the documents so sent. Thus inferences of problems within the telefacsimile system of the USPTO at the time in question can properly be drawn.

19. That Exhibits A through D and the statement in paragraph 17 hereinabove demonstrate that Declarant was aware that a response in the instant application was to be filed within the 3 month statutory period and that he did in fact timely file same.

20. That Applicant received the Decision which dismissed the Petition requesting a withdrawal of the holding of abandonment filed September 2, 2005 stating that "...Petitioner failed to respond timely and properly to a non-final action...; the application went abandoned after midnight 9 November 2005 (*sic*); Petitioner indicates that he prepared (and may have transmitted via FAX) the due date, however, Petitioner did not received a confirmation from the Office; therefore it is unlikely that Petitioner can make a showing as required...to support a withdrawal of the holding of abandonment."

21. That 35 U.S.C. §133 states in pertinent part: " Upon failure of the applicant to prosecute the application within six months after any action therein...or within such shorter time time...the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable."

22. That 37 C.F.R. §1.137(a) states in pertinent part: "An application abandoned for failure to prosecute may be revived as a pending application if it is shown to the satisfaction of the Commissioner that the delay was unavoidable. A petition to revive an abandoned application must be promptly filed after the applicant is notified of, or otherwise becomes aware of the abandonment, and must be accompanied by a showing of the causes of the delay, by the proposed response unless it has been previously filed, and by the petition fee as set forth in §1.17(l). Such showing..."

23. That the Patent Office never sent a formal Notice of Abandonment to Declarant advising that the application had been abandoned. See paragraphs 11 - 15 above for facts relating to how the abandonment was discovered. Declarant did file a petition promptly after discussing the matter with the Examiner. There was no delay in pursuing this matter after becoming aware of the determination that the application was abandoned.

24. That the cause of the delay was unavoidable as it was outside the control of Declarant.

25. That in the Decision the Examiner cites "... by example an unavoidable delay in the payment of Filing Fee might occur if a reply is shipped by the U.S. Postal Service, but due to catastrophic accident, the delivery is not made."

26. That with the fact pattern of paragraph 25 as the predicate for analysis of the instant situation as to the issue of "unavoidable," Declarant declares, as supported by Exhibits A and B, that he was aware that an amendment was due; that he did prepare such amendment prior to the date due for response, and that he did in fact transmit the response timely via a fax machine under his own possession and control, which fax machine was in working order at the time of transmission.

27. That Declarant submits that there was/were some occurrence(s) outside of his control, and for which he had no responsibility, that precluded the delivery of the response to the Group and the Examiner having responsibility for this application; i.e., some occurrence (accident) and thus delivery was not made.

28. That the delay in filing the amendment from the due date for the reply until the filing of a grantable petition was unavoidable.

29. That the response was already sent to the Examiner and is embodied in Exhibit C.

29. That a check in the amount of $500.00 to cover the fee for filing this petition is enclosed.

30. That the Patent Office has experienced difficulty with respect to the status of this case as evidenced by the attached Exhibit E, dated April 5, 2006, which is a letter from the Patent Office informing Applicants that the Application is being withdrawn from issue.

31. That Exhibit E raises inferences that administrative errors (Accidents can and do occur in the Patent Office). It is submitted that such type error occurred in the instant situation.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful false statements mau jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,

Thomas A. Beck
Registration No. 20,816
26 Rockledge Lane
New Milford, CT 06776
Telephone (860) 354 - 0892

I hereby certify that this paper is being transmitted via the United States Postal Service first class mail, postage prepaid to The Commissioner of Patents on the date indicated below and is addressed to Commissioner of Patents & Trademarks, Post Office Box 1450, Alexandria, VA 22313-1450.

Signature _____ Date: April 12, 2006
Thomas A. Beck

292/074	19 293/073	20 294/072	21 295/071	22
299/067	26 300/066	27 301/065	28 302/064 IBM 747 DUE RESTRICTION RQMT DUE	29 EXHIBIT A IBM 278 DUE IBM 283 YOR920010774

December

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October 2004

March

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April

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294/072	295/071 **21**	296/070 **22**	297/069 **23**
301/065	302/064 **28** IBM 247 DUE RESTRICTION RQMT DUE	303/063 **29** IBM 278 DUE 998-001 IMPROPER- IBM 283 YOR92001 0779 DUE NONFINAL	304/062 **30** IBM 282 YOR92000 0192 DUE NONFINAL

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March

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April

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May

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June

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July

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August

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YOR920000548 DUE

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CALL EXR RE IBM 271

266/100

22 Autumn begins

267/099

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24 Yom Kippur begin

272/094

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273/093

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IBM 278 (09/768,372) DUE 998-001

IBM 283 (10/316,484)
YOR9 2001 0779 DUE
NOV FINAL

274/092

30 IBM 282 (09/799,038)
DUE 1 MONTH

EXHIBIT B

PATENT
Attorney Docket YOR20000548US2
IBM-282

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Alan Gene Gara
Serial Number	:	09/779,038
Filing Date	:	February 8, 2001
Examiner	:	Qutbuddin Ghulmali
Group Art Unit	:	2637
For	:	BINARY DATA TRANSMISSION ON A SINGLE INFORMATION CHANNEL

To: The Honorable Commissioner of
Patents and Trademarks
Post Office Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action dated July 30, 2004 please amend the claims in the above-identified application as follows:

CLAIMS

EXHIBIT C

1. (Currently Amended) In the transmission of clocked time binary information signals with respect to a single reference level in a single information channel where said binary information signals are positioned between beginning and end phase shift signals,

an improvement for extraction of said phase shift signals comprising in combination:

means for arranging said binary information signals in serial relation to first, second and third voltage levels in said clocked time increments wherein each binary information signal is in two of said three voltage levels, such that there is a change in voltage level at every system clock cycle, said change in voltage level being correlated with logic and that there is a change every clock cycle which permits clock information from binary data bit voltage level information, said binary data then being reconstructed between precise levels and with subsequent precision timing and pulse shape, and

means for producing a new signal for each of said binary information signals that is based on an amplitude of a signal of said binary information signals that is greater than a low threshold that is less than the transition between said first and said second of said voiltage levels and is less than a high threshold that is greater than the transition between said second and said third voltage levels.

2. (Previously presented) The improvement of claim 1 wherein said means for arranging said binary information signals in serial relation to said first, second and third voltage levels includes a three level driver.

3. (Currently Amended) The improvement of claim ~~1~~ 2 wherein said means for producing a new signal for each of said binary information signals that is based on an amplitude of a signal that is greater than a low threshold that is less than the transition between said first and said second of said voltage levels and is less than a high threshold that is greater than the transition between said second and said thrid voltage levels as one reference and said low threshold as the other reference level.

4. (Previously presented) The improvement of claim ~~1~~ 3 wherein said means for producing a new signal includes means for reflecting "current" and "previous" data in relating said new signal to said clocked time.

5. (Previously Presented) The improvement of claim 4 wherein said means for electing "current" and "previous" data is a look-up table with said "previous" data provided from said "current" data with a one clock time cycle delay.

6. (Currently Amended) Clocked time binary information processing comprising:
the arrangement of said binary information signals in serial relation to first, second and third voltage levels in said clocked time increments wherein each binary information signal is in two of said three voltage levels, such that there is a change in voltage level at every system clock cycle, said change in voltage level being correlated with logic and that there is a change every clock cycle which permits clock information from binary data bit voltage level information, said binary data then being reconstructed between precise levels and with subsequent precision timing and pulse shape, and

~~the~~ producing ~~of~~ a new signal for each of said binary information signals that is based on an amplitude of a signal of said binary information signals that is greater than a low threshold that is less than the transition between said first and said second of said voiltage levels and is less than a high threshold that is greater than the transition between said second and said third voltage levels and the processing of said new signal in a differential amplifier between said high and said low threshold values.

7. (Curently Amended) The clocked time binary information processing of claim 6 including ~~the~~ an additional step of further position processing of said new signal with respect to said clocked time.

8. (Curently Amended) The clocked time binary information processing of claim 7 wherein said additional step is a signal positioning of said new signal at the leading edge of said clocked time.

9. (Currently Amended) The removal of clock timing information and signal reshaping in binary data comprising the steps of :

arranging said binary data in serial binary bits,

passing each bit in relation to first, second and third voltage levels, wherein each binary bit signal extends into two of said voltage levels such that there is a change in voltage level at every system clock cycle, said change in voltage level being correlated with logic and that there is a change every clock cycle which permits clock information from binary data bit voltage level information, said binary data then being reconstructed between precise levels and with subsequent precision timing and pulse shape, and

producing a new signal for each bit that is within an amplitude range that is greater than a low threshold value that is less than a transition value between said first and said second of said voltage levels and is less than a high threshold value greater than the transition value between said second and said third voltage levels, and,

positioning said new signal in relation to the leading edge of the next clock timing signal.

10. (Currently Amended) Data transmission apparatus for the transmission of binary data bits between first and second nodes, comprising in combination:

an input stage operable to receive a binary information signal at a first transmission node, said input stage being adapted to deliver a three voltage level driver signal ~~voltage~~ at an intermediate circuit node,

said three voltage level driver signal having serially, in a first clock cycle increment, a first voltage level corresponding to the system reference voltage,

in a second clock cycle increment, a second and intermediate~~[,]~~ voltage level and,

in a third clock cycle increment corresponding to a third and highest voltage level,

a comparator stage wherein said three level driver signal is compared in separate parallel first and second reference voltage comparison amplifiers each having said three level driver signal introduced at one input thereto;

a first reference voltage comparison amplifier having introduced at the remaining input a low threshold voltage that is higher than said reference voltage and is less than said intermediate voltage, and,

a second reference voltage comparison amplifier having introduced at the remaining input a high threshold voltage that is higher than said intermediate voltage and is less than said third voltage; and

a binary information signal reconstruction stage responsive to output signals from said first and second comparison amplifiers ~~ans~~ and adapted to establish the shape of an output binary bit signal;

such that there is a change in voltage level at every system clock cycle, said change in voltage level being correlated with logic and that there is a change every clock cycle which permits clock information from binary data bit voltage level information, said binary data then being reconstructed between precise levels and with subsequent precision timing and pulse shape.

11. The data transmission apparatus of claim 10 wherein said reconstruction stage includes delay means to position said output signal with respect to a clock for said data transmission system.

12. (Previously presented) The data transmission apparatus of claim 11 wherein said reconstruction stage includes variable delay means to position said output signal within a window established by said clock for said data transmission system.

13. (Previously presented) The data transmission apparatus of claim 12 wherein said reconstruction stage includes bistable circuit means establishing output signal turn-on.

14. (Presently Amended) The data transmission apparatus of claim ~~12~~ 13 wherein said reconstruction stage produces a new signal, the magnitude of which is within an amplitude range that is greater than a low threshold value that is less than an intermediate voltage value that is between said first and said second of said voltage levels, and is less than a high threshold value that is greater than said intermediate voltage, and, positioning said new signal in relation to the leading edge of the next clock timing signal.

15. (New) In the transmission of clocked time binary information signals with respect to a single reference level in a single information channel where said binary information signals are positioned between beginning and end phase shift signals,

an improvement for extraction of said phase shift signals comprising in combination:

means for arranging said binary information signals in serial relation to first, second and third voltage levels in said clocked time increments wherein each binary information signal is in two of said three voltage levels, such that there is a change in voltage level at every system clock cycle, said change in voltage level being correlated with logic and that there is a change every clock cycle which permits clock information from binary data bit voltage level information, said binary data then being reconstructed between precise levels and with subsequent precision timing and pulse shape, and

means for producing a new signal for each of said binary information signals that is based on an amplitude of a signal of said binary information signals that is greater than a low threshold that is less than the transition between said first and said second of said voltage levels and is less than a high threshold that is greater than the transition between said second and said third voltage levels, said means including means for reflecting "current" and "previous" data in relating said new signal to said clocked time; and said means for reflecting "current" and "previous" data is a look-up table with said "previous" data provided from said "current" data with a one clock time cycle delay.

16 (New) Data transmission apparatus for the transmission of binary data bits between first and second nodes, comprising in combination:

an input stage operable to receive a binary information signal at a first transmission node, said input stage being adapted to deliver a three voltage level driver signal at an intermediate circuit node,

said three voltage level driver signal having serially, in a first clock cycle increment, a first voltage level corresponding to the system reference voltage,

in a second clock cycle increment, a second and intermediate voltage level and,

in a third clock cycle increment corresponding to a third and highest voltage level,

a comparator stage wherein said three level driver signal is compared in separate parallel first and second reference voltage comparison amplifiers each having said three level driver signal introduced at one input thereto;

a first reference voltage comparison amplifier having introduced at the remaining input a low threshold voltage that is higher than said reference voltage and is less than said intermediate voltage, and,

a second reference voltage comparison amplifier having introduced at the remaining input a high threshold voltage that is higher than said intermediate voltage and is less than said third voltage; and

a binary information signal reconstruction stage responsive to output signals from said first and second comparison amplifiers and adapted to establish the shape of an output binary bit signal; such that there is a change in voltage level at every system clock cycle, said change in voltage level being correlated with logic and that there is a change every clock cycle which permits clock information from binary data bit voltage level information, said binary data then being reconstructed between precise levels and with subsequent precision timing and pulse shape;

said binary information reconstruction stage includes: (a) delay means to position said output signal with respect to a clock for said data transmission system; (b) variable delay means to position said output signal within a window established by said clock for said data transmission system and (c) bistable circuit means establishing output signal turn-on.

REMARKS

The Examiner is respectfully requested to reconsider his rejection of Claims 1 - 13 under 35 U.S.C. § 102(b) as being anticipated by Davies, et al. (U.S. Patent 5,255,287). Applicant has modified claims 1 - 14 to distinguish them over the Davies, et al. reference. All of the rejections of claims 1 - 13 are covered in this response in a single discussion. It is pointed out to the Examiner that there was no discussion of Claim 14 in the Official Action.

Davies, et al. do teach a method for transmitting and receiving digital (binary) data. This is where the similarity terminates. Davies, et al. However do not dislcose trransitions every cycle so their invention is directed toward a totally different objective.

Applicant has distinguished his invention from Davies, et al. By including in all independent claims the language that recites that there is a binary information signal reconstruction stage which is responsive to output signals from the first and second comparison amplifiers and adapted to establish the shape of an output binary bit signal, (Page 3, penultimate paragraph) such that *"there is a change in voltage level at every system clock cycle, said change in voltage level being correlated with logic and that there is a change every clock cycle which permits clock information from binary data bit voltage level information, said binary data then being reconstructed between precise levels and with subsequent precision timing and pulse shape."*

If there are any charges associated with the filing of this response, the Commissioner is authorized to charge deposit account 50-0510.

A "Change of Correspondence Address" on behalf of the undersigned is enclosed. Please address all further correspondence to the undersigned at the address listed below.

Respectfully Submitted,

Thomas A. Beck
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New Milford, CT 06776

I hereby certify that this paper is being telefaxed to (703) 872-9306 on the date indicated below addressed to the Commissioner of Patents and Trademarks, Post Office Box 1450, Alexandria, VA 22313-1450

Signature _____ Date: October 28, 2004
Thomas A. Beck

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Signature _____ Date: October 28, 2004
Thomas A. Beck

EXHIBIT D

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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05 APR 2006

In re Application Of :
Gara, Alan Gene : WITHDRAW FROM ISSUE
Application No: 09/779038 : FEE NOT PAID
Filed: February 8, 2001 :
Title: BINARY DATA TRANSMISSION ON A SINGLE INFORMATION CHANNEL

The purpose of this communication is to inform you that the above identified application is being withdrawn from issue.

The application is being withdrawn to permit reopening of prosecution due to unpatentability of one or more claims.

Patent and Trademark Office records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund, or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a specified Deposit Account.

Telephone inquiries are directed to Mohammed Ghayour (571) 272-3021.

The application is being forwarded to the examiner for action.

Jin F. Ng
Director, Technology Center 2600
Communications

EXHIBIT E